

Dinesh Kumar vs State of Kerala

Dinesh Kumar vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1332368

Court : Kerala

Decided On : Jan-30-2023

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Bail Appl./528/2023

Appellant : Dinesh Kumar

Respondent : State of Kerala

Judgement :

B.A.No.528/23 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
MONDAY, THE 30TH DAY OF JANUARY 2023 / 10TH MAGHA, 1944
BAIL APPL. NO. 528 OF 2023 PETITIONER/ACCUSED: DINESH
KUMAR, AGED 49 YEARS, S/O.SANKARA PILLAI, ACHUTHALAYAM,
KATTANAM, ALAPPUZHA DISTRICT, PIN - 690 503. BY ADVS.
M.G.SREEJITH LUKE J CHIRAYIL P.JAYA VIDYAJITH M. ROJIN
DEVASSY JOSEPH MARVEL NORONHA BIBAS C. BABU AMAL JOSE
ELSA MARY THOMAS

RESPONDENTS/STATE & COMPLAINANT: 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682 031. 2 THE STATION HOUSE OFFICER, ADOOR POLICE STATION, ADOOR, PATHANAMTHITTA DISTRICT, PIN - 678 001. SRI.C.S.Hrithwik - Sr.PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.01.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.No.528/23 2

ORDER

This is an application filed under Section 439 Cr.P.C., for regular bail.

2. The petitioner is the 1st accused in Crime No.136 of 2021 of Adoor Police Station, which was registered for the offences punishable under Sections 420 read with Section 34 IPC.

3. The prosecution case is that on 21.03.2020, with the

intention to cheat the de facto complainant, the petitioner made her believe that he will arrange a job for her in a private school at Kattachira, Kattanam as a peon, and collected an amount of Rs.3,50,000/-. Later, he did not provide the job and the amount was also not repaid. The 2nd accused is the manager of the said school. Petitioner was arrested on 07.02.203 and since then he is under judicial custody.

4. Sri.M.G.Sreejith, learned counsel for the petitioner

contended that the petitioner is innocent of the allegations. He submitted that, he is prepared to abide by any condition imposed by the Court and submits that, considering the fact that the petitioner is under detention for the past more than twenty days, he may be B.A.No.528/23 3 released on bail.

5. On the other hand, the Sri.C.S.Hrithwik, learned Public

Prosecutor would oppose the said application. However, it is pointed out that the petitioner is not involved in any other cases. After going through the materials placed before me and also taking into account the fact that the petitioner is under

detention for the past more than twenty days, a lenient view can be adopted. It appears that the investigation progressed substantially and no further recovery is to be affected from the petitioner.

6. In such circumstances, this bail application is allowed and the petitioner is directed to be released on bail subject to following conditions:

(i) The petitioner shall be released on bail on

executing a bond for Rs. 1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Magistrate/Court.

(ii) The petitioner shall fully co-operate with the investigation.

(iii) The petitioner shall appear before the investigating officer between 10.00 a.m and 11.00 a.m on every Wednesday until the filing of final report. B.A.No.528/23 4

(iv) The petitioner shall also appear before the investigating officer as and when required by him.

(v) The petitioner shall not commit any offence of like nature while on bail.

(vi) The petitioner shall not make any attempt to

contact any of the prosecution witnesses, directly or through any other person, or any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vii) The petitioner shall not leave State of Kerala

without the permission of the trial Court. Sd/- ZIYAD RAHMAN A.A. JUDGE
DG/30.1.23 B.A.No.528/23 5 APPENDIX OF BAIL APPL. 528/2023 PETITIONER
ANNEXURES Annexure-A1 TRUE COPY OF FIR IN CRIME NO. 136/2021 OF
ADOOR POLICE STATION Annexure-A2 TRUE COPY OF MEDICAL
CERTIFICATE DATED 31- 10-2022 Annexure-A3 ACCUSED COPY OF ORDER
IN CMP.NO. 62/2023

IN CRIME NO.136/2021 OD ADOOR POLICE STATION DATED 13-01-2023 ON
THE FILES JUDICIAL FIRST CLASS MAGISTRATE COURT

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com